

602 KAR 50:120. Reconsideration and administrative hearing procedures.

RELATES TO: KRS 183.871

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: To provide for general procedures for a request for reconsideration and for the conduct of all hearings on any petition to the commission.

Section 1. Request for reconsideration of an action taken by the commission shall be as follows:

(1) A person who wishes to provide additional information, further explain the information previously presented to the commission, request reconsideration, or otherwise discuss a matter with the commission shall notify the administrator of his intention to attend a meeting of the commission.

(2) The notice shall be in writing and filed within thirty (30) days of the mailing of the document formalizing the commission's action to appropriate parties.

(3) The administrator shall place the issue on the agenda for the next commission meeting at which he is able to provide to all interested parties a ten (10) day written notice of the placement of the issue on the agenda of the commission.

Section 2. Request for a hearing shall be accomplished as follows:

(1) A person aggrieved by an action taken by the commission with respect to any application for a permit, request for adoption of airport zoning map, notice of violation, or any orders or rulings issued pursuant to the commission's administrative regulations may petition the commission in writing for an administrative hearing.

(2) The petition, which may be in the form of a letter, shall identify the action taken by the commission for which a hearing is sought and it shall state specifically the grounds for the request in addition to a statement of the relief desired.

(3) The petition shall be filed within thirty (30) days of the mailing of the document formalizing the commission's action to appropriate parties or if the person requested the opportunity to appear before the commission, within thirty (30) days of the action taken by the commission after the petitioner's appearance before the commission. The document may be executed by either the administrator or the chairman of the commission.

(4) Once a petition for a hearing is received, the administrator shall notify all other interested parties of the receipt of the petition for a hearing. Other interested parties may include but shall not be limited to the applicant, local zoning body, local air board, airport owner and other identifiable person or persons who exhibit an interest in the commission's decision.

(5) The administrator shall request the Transportation Cabinet's Office of General Counsel to assign a hearing officer. The hearing and subsequent actions shall conform to the requirements of KRS Chapter 13B.

Section 3. (1) If the commission deems it in the best interest of the public, it may require that a public discussion of an issue under consideration be conducted prior to taking any action on an application, permit, zoning map, or other item before the commission for consideration.

(2) The administrator shall, at least ten (10) days prior to the meeting, notify all interested parties of the date, time, and location of the commission meeting at which the public discussion will take place.

(3) An action rendered by the commission as a result of a public discussion conducted under this subsection shall constitute a final agency action from which an appeal may be taken pursuant to Section 2 of this administrative regulation. (1 Ky.R. 808; eff. 5-14-1975; 10 Ky.R. 451; 772; eff. 1-4-1984; 14 Ky.R. 269; eff. 9-10-1987; 19 Ky.R. 807; eff. 11-4-1992; 23 Ky.R. 4224; 24 Ky.R. 341; eff. 8-11-1997; Crt eff. 3-26-2019.)